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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,855	08/19/2003	Jurgen Kocher	CH-7778/LeA 36,078	6310

34947 7590 05/07/2004

BAYER CHEMICALS CORPORATION
PATENT DEPARTMENT
100 BAYER ROAD
PITTSBURGH, PA 15205-9741

EXAMINER

DAVIS, BRIAN J

ART UNIT	PAPER NUMBER
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1621

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Miscellaneous Letter

The reply filed on 4/27/04 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): applicant was required to elect a **single disclosed species**. Applicant has instead elected a set of species. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

The examiner respectfully points out that applicant is not restricted to choosing an elected species from the set of compounds where $R^5 = COOR^7$ or $(PO(OR^{10})_2$. The two sets of compounds described when R^5 has the above definitions, as was outlined in the Restriction Requirement, was simply used as the basis for a proper election of species requirement. Applicant may elect **any single species** falling within applicant's Markush group as the elected species used to begin prosecution.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Davis whose telephone number is 571-272-0638. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 **BRIAN DAVIS**
PRIMARY EXAMINER

Brian J. Davis
May 5, 2004